

Chapter CCXIII.¹

CALENDAR WEDNESDAY.

1. Rule for call of committees on Wednesday. Section 881.
 2. Privilege of business in order on Calendar Wednesday. Sections 882–914.
 3. Dispensing with Calendar Wednesday business. Sections 915–921.
 4. Procedure as to call of committees. Sections 922–931.
 5. Bills privileged under the rules are not considered. Sections 932–938.
 6. Union Calendar bills considered in Committee of the Whole. Sections 939–944.
 7. The former rule that two Wednesdays might be consumed by one committee. Sections 945, 946.
 8. Questions of consideration may be raised on Wednesday. Sections 947–953.
 9. Debate on Calendar Wednesday. Sections 954–964.
 10. Unfinished business. Sections 965–970.
 11. Not in force last two weeks of session. Section 971.
-

881. Wednesdays are set apart for the consideration of unprivileged bills on House and Union Calendars taken up on call of committees.

Origin and development of section 7 of Rule XXIV.

Section I of Rule XXIV provides:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against. On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union. This rule shall not apply during the last two weeks of the session. It shall not be in order for the Speaker to entertain a motion for a recess on any Wednesday except during the last two weeks of the session: *Provided*, That not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill: *Provided further*, That whenever any committee shall have occupied one Wednesday it shall not be in order, unless the House by a two-thirds vote shall otherwise determine, to consider any unfinished business previously called up by such committee, unless the previous question had been ordered thereon, upon any succeeding Wednesday until the other committees have been called in their turn under this rule: *Provided*, That when, during any one session of Congress,

¹This chapter has no analogy with any previous chapter.

all of the committees of the House are not called under the Calendar Wednesday rule, at the next session of Congress the call shall commence where it left off at the end of the preceding session.

This rule is supplementary to section 4 of Rule XXIV and devotes one day each week to the call of committees formerly confined to the "morning hour" under that rule. It also extends to Union Calendar bills the privilege restricted to bills on the House Calendar when the committees are called on days other than Wednesday.

The provision for the call of the committees during the morning hour was first included in the rules in 1885¹ and was adopted in its present form in 1890.² But the increasing pressure of privileged business and the consequent infrequency with which the rule could be invoked, especially during the latter part of a session, created a demand for some provision which would insure the calling of committees with more certainty and regularity.

On March 1, 1909,³ in response to this demand, the Committee on Rules reported, and the House adopted, as section 4 of Rule XXVI, a rule providing for the call of committees on each Wednesday with highly privileged status. This new section conformed in all respects to the first paragraph of the present rule with the exception that it might be dispensed with by majority vote and the motion to recess was not prohibited.

Upon the convening of the succeeding Congress,⁴ the rule was amended to require a two-thirds vote on the motion to dispense with the call, and the motion to recess was interdicted. In this form it was retained in the revision of 1911⁵ without change except that it was transferred from Rule XXVI and placed with other provisions relating to the order of business, becoming section 7 of Rule XXIV as at present.

The rule was rendered largely ineffective, however, by the long-drawn-out consideration of bills with which single committees monopolized the day for many weeks to the exclusion of others. Notable instances were the consideration of the bill (H. R. 23377), the codification bill reported by the Committee on the Judiciary in the Sixty-first Congress, and the bill (H. R. 15902), the printing bill reported by the Committee on Printing in the Sixty-third Congress. The dilatory consideration of such bills sometimes consumed the day during an entire session. This defect was remedied in the Sixty-fourth⁶ Congress, when two provisos were added to the rule limiting debate and prohibiting committees from occupying more than two Wednesdays in succession, and in the Seventy-second⁷ Congress when the number of Wednesdays which might be occupied by a committee was restricted to one, and the last proviso adopted continuing an uncompleted call of committees into the next session of a Congress. In this form the rule has been adopted by each succeeding Congress.

¹ First session Forty-ninth Congress, Record, p. 337.

² House Report No. 23, first session Fifty-first Congress.

³ Second session Sixtieth Congress, Record, p. 3567.

⁴ First session Sixty-first Congress, Record, p. 22.

⁵ First session Sixty-second Congress, Record, pp. 18, 80.

⁶ First session Sixty-fourth Congress, Record, p. 1209.

⁷ First session Seventy-second Congress, Record, pp. 10, 83.

The call of the committees under this rule has largely superseded the call during the morning hour which, though still in effect, is seldom used and is now practically obsolete.

882. On Wednesdays the call of committees has precedence of a request for unanimous consent.

On Wednesday, January 12, 1910,¹ Mr. Albert Douglass, of Ohio, addressed the Chair and submitted a request for unanimous consent to present and have considered a resolution which he sent to the desk.

The Speaker² said:

The Chair does not know what the resolution is; but, except for the incidental transaction of business, such as to extend remarks, the Chair would not be at liberty to take up a matter that is not in harmony with Calendar Wednesday.

Objection is heard. The Chair does not think, even if objection had not been made, that the gentleman could be recognized for that purpose, because we might use the balance of the session and cut out all Calendar Wednesdays.

883. On Wednesday, December 13, 1911,³ Mr. James A. Hughes, of West Virginia, asked unanimous consent for an order setting aside a day for eulogies on the life, character, and services of the late Senator Stephen B. Elkins.

Pending which, Mr. Joseph T. Robinson, of Arkansas, requested unanimous consent for a change of reference of certain bills from the Committee on Public Lands to the Committee on Indian Affairs.

Mr. James R. Mann, of Illinois, said:

This being Calendar Wednesday, it is not in order to ask unanimous consent for the consideration of anything except the call of the calendar, unless the House has dispensed with Calendar Wednesday under the rule.

The Speaker⁴ sustained the point of order and directed the Clerk to call the committees.

884. On Wednesday, March 13, 1918,⁵ the Journal having been approved, Mr. John E. Raker, of California, by direction of the Committee on Woman Suffrage, submitted a request for unanimous consent to change the reference of a bill.

The Speaker declined to entertain the request, and thereupon Mr. Raker proposed to offer a motion to that effect.

The Speaker⁴ ruled that the motion was not in order on Calendar Wednesday.

885. On Wednesday, August 13, 1919,⁶ the call of the committees being in order, Mr. James P. Aswell, of Louisiana, asked unanimous consent to address the House for one minute.

The Speaker⁷ said:

On Calendar Wednesday the Chair thinks that is not permissible. The gentleman can undoubtedly get time on the bill which will come up, on which there will be general debate.

¹ Second session Sixty-first Congress, Record, p. 554.

² Joseph G. Cannon, of Illinois, Speaker.

³ Second session Sixty-second Congress, Record, p. 308.

⁴ Champ Clark, of Missouri, Speaker.

⁵ Second session Sixty-fifth Congress, Record, p. 3443.

⁶ First session Sixty-sixth Congress, Record, p. 3841.

⁷ Frederick H. Gillett, of Massachusetts, Speaker.

Thereupon Mr. Oscar E. Keller, of Minnesota, presented a request for unanimous consent to extend his remarks in the Record.

The Speaker said:

The Chair does not think that is in order on Calendar Wednesday. After the calendar is disposed of the gentleman can do that. The Clerk will call the committees.

Subsequently,¹ the business in order under the rule having been concluded for the day, Mr. William D. Upshaw, of Georgia, was recognized to present a request for unanimous consent to extend remarks in the Record, and Mr. Clarence MacGregor, of New York, was recognized and secured unanimous consent to address the House for two minutes.

886. On December 10, 1919² following the approval of the Journal, Mr. J. M. C. Smith, of Michigan, asked unanimous consent that Senate concurrent resolution No. 9 be stricken from the calendar.

The Speaker³ declined recognition for that purpose.

Thereupon Mr. Willis J. Hulings, of Pennsylvania, submitted a request for unanimous consent to have printed in the Record a memorial from the American petroleum producers of Mexico.

The Speaker said:

The Chair thinks the gentleman should defer that until tomorrow morning. This is Calendar Wednesday. The Clerk will call the committees.

887. On January 13, 1930,⁴ Mr. Henry B. Steagall, of Alabama, submitted a request for unanimous consent to address the House on the following Wednesday.

The Speaker⁵ declined to recognize for that purpose and said:

The Chair will call the attention of the gentleman to the fact that next Wednesday is Calendar Wednesday, and it is not the custom of the House to permit speeches to be made on that day. The Chair does not know whether Calendar Wednesday will be dispensed with.

The Chair has made it a practice not to recognize Members to address the House on Calendar Wednesday.

888. The Speaker declines to entertain requests for unanimous consent to establish special orders for Wednesday.

On February 24, 1930,⁶ Mr. William J. Sears, of Florida, by unanimous consent, was granted permission to address the House on the following Wednesday.

On February 24,⁷ Mr. Tom D. McKeown, of Oklahoma, Mr. William C. Lankford, of Georgia, Mr. Hamilton Fish, of New York, Mr. John C. Schafer, of Wisconsin, and Mr. Fiorello H. LaGuardia, of New York, respectively, were accorded consent to address the House on Wednesday immediately after the expiration of the time allotted to Mr. Sears.

¹ Record, p. 3865.

² Second session Sixty-sixth Congress, Record, p. 365.

³ Frederick E. Gillett, of Massachusetts, Speaker.

⁴ First session Seventy-first Congress, Record, p. 1530.

⁵ Nicholas Longworth, of Ohio, Speaker.

⁶ Second session Seventy-first Congress, Record, p. 4172.

⁷ Record, pp. 4230, 4231.

On the following Wednesday¹ the Speaker announced:

The Chair is in some doubt as to whether it is his duty to recognize, first, those gentlemen who have obtained unanimous consent to address the House to-day, this being Calendar Wednesday, or to direct the call of committees. Calendar Wednesday business has not been formally dispensed with, either by unanimous consent or, as it could be now, by a two-thirds vote of the House. The present occupant of the chair has made it a general practice not to recognize for unanimous consent a request to address the House on Calendar Wednesday. However, the consent has been given while someone else was temporarily in the chair. The Chair thinks that under the circumstances perhaps the best mode of procedure would be to recognize those gentlemen who have obtained unanimous consent to address the House, but the Chair states that he will not consider this as a precedent in the future.

The Chair desires to state that in recognizing the special orders in this instance he will not regard this as a precedent which should govern his ruling on the subject on some future occasion.

Calendar Wednesday from the beginning—and the Chair remembers when it was adopted—for the purpose of preventing any other business being transacted on that day, leaving the day free for the call of committees, and the rule is very strong on that subject. The rule provides:

“On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine.”

Now, the Chair is in some doubt, where unanimous consent is given to some Member to address the House on Calendar Wednesday, whether that abolishes Calendar Wednesday to the extent of that time or whether it abolishes it altogether. The Chair wants to give some consideration to that point, and therefore the Chair desires to state that he will not feel that he will be bound by this precedent in the future.

889. The House decided that a joint resolution relating to the taking of the census was not in order for consideration on Wednesday.²

On Wednesday, March 16, 1910,³ the call of committees being in order under the rule, Mr. Edgar D. Crumpacker, of Indiana, called up, as privileged, the joint resolution (H. J. Res. 172) amending the census act.

Mr. James R. Mann, of Illinois, raised a question as to whether consideration of the joint resolution was in order unless the business in order on Wednesday was dispensed with by a two-thirds vote.

The Speaker⁴ overruled the point of order on the ground that propositions relating to the census were privileged under the Constitution.

Mr. John J. Fitzgerald, of New York, appealed from the decision of the Chair.

The question being submitted to the House, the decision of the Speaker was overruled, yeas 112, nays 163.

890. When the House adjourns on Tuesday without voting on a proposition on which the previous question has been ordered, the question does not come up on Wednesday but on the following Thursday.

On Wednesday, February 21, 1912,⁵ immediately after the approval of the Journal, on motion of Mr. Oscar W. Underwood, of Alabama, the proceedings in

¹ Record, p. 4302. Nicholas Longworth, of Ohio, Speaker.

² In connection with this decision see sections 7379 and 8049 of this volume.

³ Second session Sixty-first Congress, Journal, p. 873; Record, p. 3240.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ Second session Sixty-second Congress, Record, p. 2293.

order under the Calendar Wednesday rule were dispensed with to permit a vote on the motion to recommit the tariff bill, on which the previous question had been ordered but which had not been voted on when the House adjourned the previous day.

891. On June 4, 1919,¹ the Speaker announced that the day was Calendar Wednesday, and directed a call of the committees.

Mr. Finis J. Garrett, of Tennessee, made the point of order that the unfinished business was the vote on the agricultural appropriation bill, on which the previous question had been ordered before adjournment on the preceding day.

The Speaker² said:

The Chair overrules the point of order. That has been decided. It was decided last by the gentleman from Missouri, Mr. Speaker Clark, holding that that should go over until Thursday instead of Wednesday.

892. On Wednesday, June 18, 1919,³ in response to a demand by Mr. Philip P. Campbell, of Kansas, for the regular order, the Speaker held that the regular order was the call of the committees under the rule.

Mr. Joseph Walsh, of Massachusetts, raised the question of order that the vote had not yet been taken on agreeing to the conference report on the deficiency appropriation bill, on which the previous question had been ordered prior to adjournment on the previous day.

The Speaker² ruled that unfinished business from Tuesday was not considered on Wednesday and would be in order on Thursday.

893. On July 16, 1919,⁴ in response to a parliamentary inquiry submitted by Mr. John N. Garner, of Texas, the Speaker² ruled that the vote on the motion to recommit the sundry civil appropriation bill, on which the previous question had been ordered before adjournment on the previous day, was not in order on Wednesday, but would be in order as the unfinished business on the following Thursday.

894. On Tuesday, April 13, 1926,⁵ the House had ordered to be read a third time the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, with an amendment, and with the recommendation that the amendment be agreed to and the bill as amended be passed.

Mr. Thomas L. Blanton, of Texas, moved to recommit the bill to the Committee on Interstate and Foreign Commerce, and the previous question was ordered on the motion, when Mr. James S. Parker, of New York, asked when the pending motion would be voted on if the House should adjourn before the vote was taken.

The Speaker pro tempore⁶ said:

¹ First session Sixty-sixth Congress, Record, p. 638.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Sixty-sixth Congress, Record, p. 1303.

⁴ First session Sixty-sixth Congress, Record, p. 2668.

⁵ First session Sixty-ninth Congress, Record, p. 7392.

⁶ John Q. Tilson, of Connecticut, Speaker pro tempore.

The previous question has been ordered on the motion to recommit and also on the bill and all amendments thereto. The House began to divide, but that vote has been vacated. So that the question will be on the motion to recommit. And that will come up on Thursday morning.

Thereupon, the House adjourned, and the following day being devoted to Calendar Wednesday business, the vote on the motion to recommit recurred on the following Thursday.¹

895. When the House adjourns on Wednesday without voting on a proposition on which the previous question has been ordered the question does not go over to the following Wednesday but comes up on the next legislative day.

On January 23, 1913,² during a discussion as to the parliamentary status of the bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, on which the previous question had been ordered and which was still pending at adjournment on the previous day, Mr. James R. Mann, of Illinois, inquired whether the bill would come up as unfinished business on the next Wednesday.

The Speaker³ said:

No; the Chair may as well rule now and be through with it. The Chair holds that where the previous question has been ordered on a bill under consideration on Calendar Wednesday which is unfinished it is the unfinished business on Thursday. As this is the first ruling ever made upon this question, if any gentleman desires to test it, he has the right of appeal.

896. On Wednesday the call of committees has precedence of a motion to discharge a committee from consideration of a privileged resolution of inquiry.

On Wednesday, June 18, 1919,⁴ when the Journal had been read and approved, Mr. Norman J. Gould, of New York, moved to discharge the Committee on Appropriations from the further consideration of the resolution (H. Res. 14) requesting information from the President as to the expenditure of the appropriation for national security and defense, the resolution having been referred to the committee more than a week previous.

The Speaker² ruled that the motion was not in order on a Wednesday devoted to a call of the committees.

897. On Wednesday, August 13, 1919,⁵ upon the approval of the Journal, Mr. Thomas L. Blanton, of Texas, proposed to call up as unfinished business the resolution (H. Res. 225) directing the Secretary of Labor to transmit to the House certain information, which was under consideration when adjournment was taken on the preceding day.

The Speaker³ held that it was not in order on Wednesday but would come up on Thursday following.

¹ Record, p. 7524.

² Third session Sixty-second Congress, Record, p. 1929.

³ Champ Clark, of Missouri, Speaker.

⁴ Second session Sixty-fifth Congress, Record, p. 6912.

⁵ First session Sixty-sixth Congress, Record, p. 3841.

898. A resolution of inquiry may not be called up on Wednesday.

On May 22, 1918,¹ it being Calendar Wednesday, Mr. Martin B. Madden, of Illinois, offered as privileged the following resolution of inquiry:

Resolved, That the Secretary of the Treasury be requested to report to the House the cause of the delay in making adjustments and payments and also to advise the House of the number of allotments thus far adjusted and paid, the number adjusted on which payments have not been made, and the number of unadjusted allotments; the number of persons employed in the War Risk Bureau, the aggregate monthly expense of such bureau, the percentage cost of adjustment and payment, and when the work of the bureau is likely to be current.

Mr. Thetus W. Sims, of Tennessee, objected that it was not in order to consider the resolution on Wednesday.

The Speaker² sustained the point of order and directed the Clerk to call the roll of committees.

899. A conference report may not be considered on a Wednesday on which the call of committees is in order.

On February 9, 1910,³ it being Wednesday, Mr. James A. Tawney, of Minnesota, asked unanimous consent for the consideration of the conference report on the urgent deficiency bill.

The Speaker⁴ said:

This is Calendar Wednesday. The gentleman from Minnesota asks recognition to ask unanimous consent to postpone the operation of Calendar Wednesday for the purpose of considering a conference report. It would be in order for the gentleman from Minnesota to move to dispense with Calendar Wednesday entirely, and on a vote of two-thirds of the House Wednesday for that day would be devoted to business under the rules of the House other than that called for by Rule XXIV.

900. On Tuesday, July 21, 1914,⁵ pending a motion to adjourn, Mr. Julius Kahn, of California, as a parliamentary inquiry, asked if the conference report on the sundry civil appropriation bill, then under consideration, would be in order on the following day.

The Speaker⁶ said:

The Chair has ruled on two or three different occasions that even a conference report could not be considered on Calendar Wednesday except by unanimous consent. Now, this is a part of a conference report. The present Speaker ruled that no bill could be taken up for consideration on Calendar Wednesday without a motion to dispense with that day. The Chair thinks, under all the circumstances and rulings on the subject of Calendar Wednesday, that it goes over until Thursday. The Chair is desirous, as are the Members of the House, of observing the integrity of Calendar Wednesday.

¹ First session Sixty-sixth Congress, Record, p. 1303.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Sixty-first Congress, Record, p. 1649.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ Second session Sixty-third Congress, Record, p. 12458.

⁶ Champ Clark, of Missouri, Speaker.

901. On February 29, 1928,¹ a Calendar Wednesday, Mr. William R. Green, of Iowa, rising to a parliamentary inquiry, asked if it would be permissible to call up the conference report on the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

The Speaker² replied:

The Chair does not think that will be in order on Calendar Wednesday except by unanimous consent.

902. Propositions relating to impeachment are not in order on Calendar Wednesday.—On Wednesday, May 5, 1926,³ following the reading and approval of the Journal, Mr. John E. Rankin, of Mississippi, having been recognized to submit a parliamentary inquiry, asked when the resolution instituting impeachment proceedings against Frederick A. Fenning, a Commissioner of the District of Columbia, which had been reported on the preceding day from the Committee on the Judiciary, would be taken up for consideration.

The Speaker² replied that it would be taken up on the following day.

Mr. Rankin submitted that it was in order for immediate consideration.

The Speaker said:

It will come the first thing to-morrow; that is, it will be in order to move the previous question. It is not in order on Calendar Wednesday.

903. The call of committees takes precedence of a contested-election case called up on Calendar Wednesday.

On Wednesday, November 2, 1921,⁴ during a call of the committees, Mr. Cassius C. Dowell, of Iowa, proposed to call up for consideration the contested-election case of *Kannamer v. Rainey*.

Mr. Finis J. Garrett raised the question of its consideration on Wednesday.

The Speaker⁵ held it was not in order and could be considered only by unanimous consent.

904. The motion to go into the Committee of the Whole for the consideration of revenue or appropriation bills is not in order on Wednesday.

On January 16, 1911,⁶ Mr. John A. T. Hull, of Iowa, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

Mr. John J. Fitzgerald, of New York, proposed, as preferential, a motion to discharge the Committee on Ways and Means from the consideration of the bill (H. R. 19784) to suspend the collection of duties on meats.

¹ First session Seventieth Congress, Record, p. 3769.

² Nicholas Longworth, of Ohio, Speaker.

³ First session Sixty-ninth Congress, Record, p. 8747.

⁴ First session Sixty-seventh Congress, Record, p. 7214.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

⁶ Third session Sixty-first Congress, Record, p. 965.

In the course of his decision the Speaker¹ said, incidentally:

It is also undeniable that the words of Rule XXIV, section 4²—

“On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV (the rule for the call of committees), unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine”—

prevent the Chair on Wednesdays from entertaining a motion to go to the consideration of general appropriation bills, unless the House by a two-thirds vote shall have cleared the way for such a motion.

905. On a Wednesday on which the call of committees was in order the entering, but not the consideration, of a motion to reconsider was held to intervene.

On Wednesday, May 4, 1921,³ immediately upon the approval of the Journal, Mr. Joseph W. Fordney, of Michigan, offered a motion to reconsider the vote by which the House, on the preceding day, had declined to order the third reading of the joint resolution (S. J. Res. 38) admitting Emil S. Fischer to citizenship.

Mr. Otis W. Wingo, of Arkansas, made the point of order that the motion could not be entertained on Wednesday.

The Speaker⁴ said:

The rule provides:

“When a motion has been made and carried or lost, it shall be in order for any Member of the majority, on the same or succeeding day, to move for the reconsideration thereof.”

On the face of that the gentleman from Michigan, who voted yesterday with the majority, is obviously entitled to-day to make a motion to reconsider. The gentleman from Arkansas makes the point of order that this being Calendar Wednesday the motion is not in order; that this being Calendar Wednesday, no business is in order except the business prescribed in the rule for that day. That raises a close question. But the Chair thinks that when two rules conflict, as they do here—one saying that in this case the motion to reconsider could be made yesterday or to-day and the other saying that to-day being Calendar Wednesday only certain business which does not embrace this motion to reconsider can be transacted—the two rules should, if possible, be so interpreted as to give effect to both. And the Chair thinks that in this instance it can be readily done, because the purpose of the rule defining and limiting the business which can be transacted on Calendar Wednesday is to preserve the time of Calendar Wednesday exclusively for that business and not allow other matters to come in and consume any of that time.

Now, it does not necessarily follow that when a gentleman makes a motion to reconsider he has the right to have that motion immediately considered and voted on and debated. The fact that a motion to reconsider can be made does not carry with it the right to debate it or to vote upon it at that time, but simply makes it pending. And therefore, if the Chair should rule that this motion to reconsider can be made to-day, the Chair would hold it could not be acted upon to-day, because Calendar Wednesday is set aside for other business. It could only be acted upon at some future time when business of that class was in order in the House. The Chair thinks that such interpretation saves both Calendar Wednesday and the right of reconsideration. It allows a motion to reconsider to be made, as the rule provides, on either Tuesday or Wednesday, but it does not allow it to interfere with the business of Calendar Wednesday or take any time on that day, but simply allows a Member to make the motion which is then pending and which can then be brought up at a day when that business is in order.

Therefore the Chair overrules the point of order.

Thereupon Mr. Wingo moved to lay the motion to reconsider on the table.

The Speaker declined to entertain the motion on Wednesday.

¹ Champ Clark, of Missouri, Speaker.

² New section 7.

³ First session Sixty-seventh Congress, Record, p. 1032.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

906. A Senate bill privileged because of similarity to a bill on the House Calendar may not be called up on Wednesday.

On Wednesday, February 26, 1930,¹ following the approval of the Journal, Mr. Edward E. Denison, of Illinois, asked unanimous consent to call up the bill (S. 3297) to extend the times of commencing and completing the construction of a bridge across the Ohio River.

In response to an inquiry from the Speaker, Mr. Denison explained that a bill of similar tenor was already on the House Calendar and that he was authorized by the Committee on Interstate and Foreign Commerce to call up the bill from the Speaker's table.

The Speaker² held:

Inasmuch as this is Calendar Wednesday, the Chair thinks it will require unanimous consent to consider the bill to-day.

Mr. David H. Kincheloe, of Kentucky, submitted that the bill was privilege and could be called up by right on any day.

The Speaker said:

Not on Calendar Wednesday, if it is objected to.

907. While a bill may be reported for printing on Wednesday, the right to call up for immediate consideration is not thereby implied.

On Wednesday, July 6, 1921,³ Mr. Joseph W. Fordney, of Michigan, from the Committee on Ways and Means, presented the report of that committee on the tariff bill.

Mr. Finis J. Garrett, of Tennessee, made the point of order that this being Calendar Wednesday, no business was in order except the call of committees.

The Speaker⁴ said:

The Chair will consider the right to report the bill. Clause 56 of Rule XI provides that the "following-named" committees shall have leave to report at any time on the matters herein stated, and the Calendar Wednesday rule provides that on Wednesday of each week no business shall be in order except as provided by paragraph 4 of that rule, unless the House by a two-thirds vote on motion dispenses therewith. The Chair is inclined to think it is business, but, on the other hand, the Chair thinks that when there are two rules that are contradictory they should be both interpreted in such a way as to carry out the obvious intention of the rule. The only reason that no business can be transacted on Calendar Wednesday is so that the time on Calendar Wednesday shall not be taken up to prevent consideration of the business which is assigned that day.

In response to a question interjected by Mr. Joseph Walsh, of Massachusetts, as to whether the right to report the bill implied the right to call up for consideration on Wednesday, the Speaker continued:

The Chair thinks not. The Chair does not think that would follow. The Chair is still disposed to follow the line of reasoning which he commenced and hold that the purpose of Calendar Wednesday is to preserve that day for a certain class of legislation, and no business ought to be allowed to come in which takes time and interferes with that purpose. But the House will re-

¹ Second session Seventy-first Congress, Record, p. 4303.

² Nicholas Longworth, of Ohio, Speaker.

³ First session Sixty-seventh Congress, Record, p. 3384.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

member that the Chair some weeks ago held that a motion to reconsider could be submitted on Calendar Wednesday, although the Chair held it could not be called up and acted upon on Calendar Wednesday. The Chair thinks the same line of reasoning would hold here; that reports could be made on Calendar Wednesday, inasmuch as the report does not occupy any appreciable time and does not interfere with the purpose of Calendar Wednesday, but it would not be permissible to call it up for action upon Calendar Wednesday. Reports can be made through the basket on Calendar Wednesday as on other days, and it does not seem to the Chair reasonable to, hold that they can not be made from the floor. The Chair overrules the point of order.

908. A proposition involving a question of privilege supersedes business in order on Wednesday.

On Wednesday, August 2, 1911,¹ the call of committees being in order, Mr. Oscar W. Underwood, of Alabama, claimed the floor for a question of privilege.

The Speaker² recognized Mr. Underwood, who thereupon addressed the House on a question of personal privilege.

909. On February 21, 1912,³ it being Wednesday, Mr. Richard Pearson Hobson, of Alabama, claiming the floor for a question of personal privilege, offered a resolution providing for the appointment of a committee of investigation.

Mr. Fred L. Blackmon, of Alabama, raised the point of order that the regular order was the call of committees.

The Speaker⁴ said:

The Chair looked into that matter and can not believe that the House ever intended, by the establishment of Calendar Wednesday, to take away the right of a Member to rise to a question of personal privilege. The Chair wants to preserve Calendar Wednesday. Matters of privilege could not intervene, but there is a great difference between a privileged question and a question of privilege. The gentleman from Alabama rises to a question of privilege.

910. On January 15, 1913⁵ which was Wednesday, Mr. Thetus W. Sims, of Tennessee, rose to present a question of personal privilege.

The Speaker⁶ reminded him that the day was Calendar Wednesday and inquired as to the ground on which he claimed the floor.

Mr. Sims, having submitted a statement of fact, the Speaker ruled that a question of privilege was presented and recognized him to address the House.

911. On January 3, 1917,⁷ a Calendar Wednesday, Mr. William R. Wood, of Indiana, rising to a question of privilege, offered the following resolution:

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspapers under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak, there would not be a quorum in either the Senate or House next Monday, and a shifting of bank accounts similar to those in the good old sugar-investigation days," and in another statement, which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty"; and

¹ First session Sixty-second Congress, Record, p. 3510.

² Champ Clark, of Missouri, Speaker.

³ Second session Sixty-second Congress, Record, p. 2295.

⁴ Champ Clark, of Missouri, Speaker.

⁵ Third session Sixty-second Congress, Record, p. 1569.

⁶ Champ Clark, of Missouri, Speaker.

⁷ Second session Sixty-fourth Congress, Record, p. 807.

Whereas the statements of the aforesaid Thom W. Lawson, and each of them, affect the dignity of this House and the integrity of its proceedings and the honesty of its Members:

Resolved, That the Speaker appoint a select committee of five Members of the House and that such committee be instructed to inquire into the charges made by the aforesaid Thomas W. Lawson, and for such purposes it shall have the power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

Mr. Finis J. Garrett, of Tennessee, made the point of order that the resolution was not in order on Wednesday.

The Speaker¹ overruled the point of order and recognized Mr. Wood to move disposition of the resolution.

912. An exceptional instance wherein the consideration of a veto message from the President was held to be in order on Wednesday.

An early instance in which a question of constitutional privilege was held to supersede the business in order under the rules.

On Wednesday, August 14, 1912,² the Speaker laid before the House a message from the President announcing his disapproval of the revenue bill.

Mr. Oscar W. Underwood, of Alabama, moved that the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding.

Mr. James R. Mann, of Illinois, made the point of order that the motion could not be entertained on Wednesday and cited a decision to that effect made by the House in 1910.³

Mr. Joseph G. Cannon, of Illinois, pointed out that the proposition to take up the message on Wednesday corroborated the position he had taken on the occasion in 1910 referred to by Mann, and said:

I recollect very well the ruling that I made while I was Speaker of the House touching the consideration of a question based on the Constitution. After discussion, the ruling of the Speaker was by a majority vote of the House reversed. I am satisfied that the House was in error. Two wrongs do not make a right; two precedents or a dozen do not sanctify an error or a mistake. If this be a privileged question, having its foundation in the Constitution, then it is higher than any rule of this House that contravenes that privileged question; and although the former decision might have been made by some other individual than myself then occupying the Speaker's chair, I should feel about it just as I feel now. Therefore, I believe the motion of the gentleman to be higher than any rule of this House, and that the motion is in order.

The Speaker⁴ ruled:

The truth about what the House did in the spring of 1910 as to the question of constitutional privilege raised on the census bill by the gentleman from Indiana, Mr. Crumpacker, was stated correctly by the gentleman from Alabama, Mr. Underwood. It is not necessary for us to forget everything we know in order to arrive at a conclusion about this matter. The very same men who are arguing this matter here to-day participated very largely in those debates. The transaction which is referred to, on motion of the gentleman from Indiana, was just simply part and parcel of a general parliamentary revolution, on which the majority of this House had made up its mind it was going to enter. The present occupant of the chair stated that on the floor of the House in words as plain as the English language could make it—that it was a revolution in which we were engaged and that there was no use to mince words about it. So did the gentleman from

¹ Champ Clark, of Missouri, Speaker.

² Second session Sixty-second Congress, Record, p. 10936.

³ See section 8033 of this chapter.

⁴ Champ Clark, of Missouri, Speaker.

Alabama and others. We never made any pretense that our proceedings were other than revolutionary in a parliamentary sense.

The Chair is still in doubt whether the Crumpacker resolution is of constitutional privilege or not, but the Chair has no doubt whatever that this proposition now pending to act on this veto message is bottomed on a constitutional mandate. The language of the Constitution is:

“If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on the Journal and proceed to reconsider it.”

The same motions which apply to any other matter before the House apply to this; that is, to postpone, and so forth. And the Chair thinks the Chair has demonstrated by his whole course here that he is as jealous of preserving the sanctity of Calendar Wednesday as any other Member of the House.

But to say that a question of great constitutional importance like this shall not be passed on on Calendar Wednesday might mean, in certain contingencies, a very serious injury, or at least a grievous inconvenience to the Government of the United States or to the American people. For example, the law of the land is that on the second Wednesday in February the two Houses of the Congress shall meet in joint session to count the electoral vote for President and Vice President, and the framers of that statute were so careful and so wise as to direct that on that day the Congress must be in session—a most extraordinary and drastic provision; and certainly nobody will seriously contend that notwithstanding the rule establishing Calendar Wednesday the Congress could not proceed to discharge one of its most important duties.

In the winter of 1876–77 Mr. Speaker Randall, one of the greatest Speakers that every occupied the chair, overruled point after point that was justified to be made by the rules of the House, and forced to a conclusion the election of a President of the United State as being a matter of supreme importance; and the passions of that day having subsided, history has vindicated him for what at that time was denounced as being a high-handed proceeding and a bold usurpation of power.

The Chair is of opinion that action on this veto is by a constitutional mandate, and that it has precedence of the business of Calendar Wednesday.

Mr. Underwood conceded:

Mr. Speaker, I agree that it has been held repeatedly heretofore that it is in the power of the House to postpone action on a veto message coming from the President; but it is a mandate of the Constitution that the House shall act on this message. If we admit as a precedent that a veto message can not be acted upon on Wednesday, it might at some time bring this House to a condition where it could not act on a veto message at all. It might be that Calendar Wednesday was the last day of a session; that the message came in on Calendar Wednesday, and, although a majority wanted to act on the measure one way or the other, they might not be able to command the two-thirds vote to set aside Calendar Wednesday.

To this Mr. Mann rejoined:

The gentleman will recall that the rule in reference to Calendar Wednesday provides that it shall not be in effect during the last two weeks of the session, so that if there was a decision to adjourn on a particular day the rule with reference to Calendar Wednesday would not be in force.

Mr. Mann, while expressing approval of the decision, appealed from the decision of the Chair, and those who had supported the contention of former Speaker Cannon, in the parliamentary battle of 1910, considering the decision a vindication of their position on that occasion, voted to lay the appeal on the table, Mr. Mann himself voting to table his own appeal.

On a yea-and-nay vote the motion to lay the appeal on the table was agreed to, yeas 240, nays 10.

913. Under the later practice messages from the President are laid before the House on Calendar Wednesday by unanimous consent or on motion to dispense with proceedings in order on that day.

On December 5, 1928,¹ it being Calendar Wednesday, a message in writing from the President of the United States, relative to the Budget, was communicated to the House by one of his secretaries.

The question of expediting early consideration being raised, Mr. John Q. Tilson, of Connecticut, asked unanimous consent for the immediate reading of the message. The Speaker² put the question.

The gentleman from Connecticut asks unanimous consent that the Chair may lay the Budget message before the House. Is there objection?

There being no objection, the message was read and, on motion of Mr. Tilson, was referred to the Committee on Appropriations and ordered to be printed.

914. On May 11, 1932,³ it being Calendar Wednesday, the Speaker⁴ proposed to lay before the House a message from the President, returning without his approval the bill (H. R. 6662), the tariff bill.

Mr. William H. Stafford, of Wisconsin, raised the question that the reading and consideration of the message was not in order on Calendar Wednesday.

Whereupon, Mr. Charles R. Crisp, of Georgia, moved to dispense with the proceedings in order on Calendar Wednesday.

The question being taken, the House determined by a two-thirds vote to dispense with the business in order under the rule.

The Speaker then laid before the House the message of the President.

915. The Speaker is constrained to recognize on Wednesday any Member proposing a motion to dispense with proceedings in order on that day.

On Wednesday, June 18, 1919,⁵ the Journal having been read and approved, Mr. Charles Pope Caldwell, of New York, addressed the Chair and proposed a motion to dispense with the proceedings in order on that day.

Mr. Frank W. Mondell, of Wyoming, raised the question of order that Mr. Caldwell had not been recognized and was not entitled to prior recognition for that purpose.

The Speaker⁶ ruled:

The Chair thinks he ought to recognize any gentleman for that purpose.

916. The motion to dispense with business in order on a particular Wednesday may be made and considered on any preceding day.

On Tuesday, December 21, 1920,⁷ Mr. Frank W. Mondell, of Wyoming, moved to dispense with business in order on the following Wednesday.

¹ Second session Seventieth Congress, Record, p. 101.

² Nicholas Longworth, of Ohio, Speaker.

³ First session, Seventy-second Congress, Record, p. 10035.

⁴ John N. Garner, of Texas, Speaker.

⁵ First session Sixty-sixth Congress, Record, p. 1303.

⁶ Frederick H. Gillett, of Massachusetts, Speaker.

⁷ Third session Sixty-sixth Congress, Record, p. 596.

The question having been raised as to the consideration of such motion on a day other than on the Wednesday to which it was intended to apply, the Speaker² held the motion might be made on any preceding day.

917. On motion to dispense with proceedings in order on Wednesday, debate is limited to 10 minutes, to be divided not to exceed 5 minutes for and 5 minutes in opposition to the motion.

On Wednesday, February 6, 1918,¹ Mr. Henry D. Flood, of Virginia, offered a motion to dispense with Calendar Wednesday business for the day, and submitted a parliamentary inquiry as to the division of the time for debate on the motion.

The Speaker² in accordance with the rule, held that debate was limited to 10 minutes, 5 minutes on each side, and recognized Mr. Flood for 5 minutes.

918. In the absence of bills eligible for consideration under call of committees on Wednesday, a motion to dispense with business in order on that day is not required.

On March 24, 1909,³ the day being Wednesday, Mr. Sereno E. Payne, of New York, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the tariff bill.

Mr. Augustus P. Gardner, of Massachusetts, rose to a parliamentary inquiry and made the point of order that the business in order on Wednesday under the rules had not been dispensed with.

The Speaker⁴ said:

In answering the parliamentary inquiry of the gentleman from Massachusetts the Chair must take notice not only of the rules but what there is for consideration under the rules, if anything. The Chair has inquired, and that inquiry, in the opinion of the Chair, has required him to state to the House that there are no bill on any calendar of the House, save alone the bill known as the "tariff bill," which bill would not be in order on a Calendar Wednesday. In that condition, answering the parliamentary inquiry, in the opinion of the Chair, it is not necessary to move to dispense with Calendar Wednesday.

919. On April 19, 1911,⁵ a Wednesday on which there was no business on the calendars in order under a call of committees, Mr. Oscar W. Underwood, of Alabama, moved to dispense with business in order under the rule.

The Speaker² said:

It has been decided by my predecessor that under the conditions as they prevail here to-day there is no necessity for the motion where there is no business on the calendar.

920. On Wednesday, April 26, 1911,⁶ Mr. Oscar W. Underwood, of Alabama, called attention to the absence on the calendars of any bills which would be in order on Wednesday, under the rule, and moved to dispense with proceedings in order for the day.

¹ Second session Sixty-fifth Congress, Record, p. 1764.

² Champ Clark, of Missouri, Speaker.

³ First session Sixty-first Congress, Record, p. 209.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ First session Sixty-second Congress, Record, p. 395.

⁶ First session Sixty-second Congress, Record, p. 630.

The Speaker¹ declined to entertain the motion and said:

It was held by Speaker Cannon that under the circumstances in which we find ourselves it did not require any motion to dispense with Calendar Wednesday. The Chair thinks it was a good ruling and a matter of common sense.

921. The call of committees having been completed on Wednesday, business otherwise in order on the day was considered.

On Wednesday, September 3, 1913,² business in order under the call of committees having been completed, Mr. Henry D. Flood, of Virginia, proposed the consideration of the bill (H. R. 7384) to authorize the payment of an indemnity to the Italian Government.

Mr. John J. Fitzgerald, of New York, raised the question of order that unless proceedings in order under the rule were dispensed with no business was in order on Wednesday except the call of committees.

The Speaker¹ held that the business in order under the call of committees having been completed, any business otherwise in order might be considered.

922. In calling the committees, they are called in the order in which they appear in the rules and not alphabetically.

On Wednesday, May 3, 1916,³ during the call of committees under the rule, Mr. James R. Mann, of Illinois, raised the question of order that the committees were not being called in proper order.

The Speaker¹ sustained the point of order and directed that the committees be called in the rotation in which they were listed in the rules.

923. On August 9, 1911,⁴ during the call of committees under the Calendar Wednesday rule, Mr. John H. Stephens, of Texas, objected to the order in which the committees were called by the Clerk.

The Speaker¹ said:

They are being called seriatim from the printed list, beginning where the call rested. They are called in accordance with the order in which committees are listed in the rules. The Committee on Accounts was the first committee called. That was where the call began, and it goes around until we get back to the Committee on Accounts, if there is sufficient time.

They are not called alphabetically. They are called in the regular order. The Clerk will call the next committee.

924. On call of committees under the rule, each committee is called twice before being passed.

On Wednesday, May 18, 1921,⁵ while the committees were being called, the Clerk called the Committee on Banking and Currency and, there being no response,

¹ Champ Clark, of Missouri, Speaker.

² First session Sixty-third Congress, Record, p. 4156.

³ First session Sixty-fourth Congress, Record, p. 7319.

⁴ First session Sixty-second Congress, Record, p. 3770.

⁵ First session Sixty-seventh Congress, Record, p. 1539.

proceeded to call the next committee, when Mr. John N. Garner, of Texas, objected and said:

Mr. Speaker, the Clerk has called the Committee on Banking and Currency but once. It has been customary heretofore to call each committee the second time. I therefore expect that the Committee on Banking and Currency will be called the second time.

The Speaker¹ sustained the point of order and directed the Clerk to Call the Committee on Banking and Currency a second time.

925. Prior to election of all the committees of the House the call of committees on Calendar Wednesday includes only those committees which have been elected.

On April 29, 1929,² during a discussion of the order of business, Mr. James O'Connor, of Louisiana, proposed to object to the consideration of the bill (H. R. 6) to amend an act to define and tax oleomargarine.

Thereupon, Mr. John Q. Tilson, of Connecticut, explained that only those committees of the House which had been elected would be called on Calendar Wednesday, and as only three had been elected, including the committee reporting the bill, it would be subject to consideration on the following Wednesday under the rule.

The Speaker³ acquiesced.

926. A committee declining to proceed with the consideration of a bill when called on Wednesday, loses its right until again called in regular order.

On Wednesday, December 3, 1913,⁴ the Speaker announced that the unfinished business was the joint resolution (S. J. Res. 5) for the appointment of a commission on vocational education, called up on the preceding Wednesday by the Committee on Education.

Mr. James R. Mann, of Illinois, made the point of order that on the Wednesday on which the bill was called up the committee declined to proceed with the consideration of the bill and permitted the call to pass to another committee.

The Speaker⁵ sustained the point of order and held that the committee having declined to exercise its privilege and the Chair having directed a further call of the committees, the Committee on Education had lost its right and could not call up the bill for consideration until the committee was again reached in its regular order.

927. During a call of committees under the rule, a committee may not yield or exchange its order of rotation.

The House is not bound by private agreement between Members even when entered into on the floor in course of debate.

On Wednesday, June 13, 1917,⁶ a call of the committees being in order, under the rule, Mr. William C. Adamson, of Georgia, from the Committee on Interstate and Foreign Commerce, when the Committee on Agriculture was called submitted that on a previous Wednesday he had entered into an agreement with Mr. Edwin Yates

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Seventy-first Congress, Record, p. 657.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Second session Sixty-third Congress, Record, p. 140.

⁵ Champ Clark, of Missouri, Speaker.

⁶ First session Sixty-fifth Congress, Journal, p. 424; Record, p. 3563.

Webb, of North Carolina, from the Committee on Agriculture, under which his committee, when called, yielded its place to the Committee on Agriculture with the understanding that the latter, when called, should yield to the Committee on Interstate and Foreign Commerce, and asked that his committee be called.

The Speaker¹ said:

You can not make a reservation of that kind. The gentleman from Georgia and the gentlemen from North Carolina and no other two gentlemen can make a private agreement to control the House. The Clerk will call the committees.

928. On call of committees, a bill may be called up only on authorization of the committee.

Authority having been given one Member to call up a bill, another may not be recognized for that purpose if objection is made.

On Wednesday, December 15, 1920,² when the Committee on Foreign Affairs was reached in the call of committees, Mr. Henry D. Flood, of Virginia, said:

Mr. Speaker, I do not see the chairman of the Committee on Foreign Affairs present, and as a member of that committee I call up a resolution reported by that committee and which the chairman was authorized to call up—House concurrent resolution 57—expressing the sympathy of the Congress of the United States with the aspirations of the Irish people for a government of its own choice.

Mr. James R. Mann, of Illinois, made the point of order that only the Member authorized for that purpose by the committee could call up the bill.

The Speaker³ read a decision by Mr. Speaker Carlisle on a similar question and sustained the point of order.

929. On December 15, 1909,⁴ it being Wednesday, and the call of committees being in progress, Mr. Charles H. Burke, of South Dakota, submitted a parliamentary inquiry as to whether authorization by the committee was necessary in order to call up a bill on Wednesday and whether bills were called up by the chairman only or whether they might be called up by any member of the committee.

The Speaker⁵ said:

This must be done by authority of the committee. It need not necessarily be by the chairman, but any member of the committee might call up the bill if he were authorized by the committee. The rule refers to paragraph 4 of Rule XXIV, and the procedure under that paragraph is as stated by the Chair.

930. A bill called up by a committee under the Calendar Wednesday rule may be withdrawn before amendment.

On June 1, 1921,⁶ it being Wednesday, the call resting with the Committee on Interstate and Foreign Commerce, Mr. Samuel E. Winslow, of Massachusetts, by direction of that committee, announced the withdrawal of the joint resolution (H. J. Res. 31) called up on the preceding Wednesday and undisposed of, for the purpose of calling up, instead, the bill (H. R. 6567) to amend the transportation act.

¹ Champ Clark, of Missouri, Speaker.

² Third session Sixty-sixth Congress, Record, p. 396.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Second session Sixty-first Congress, Record, p. 162.

⁵ Joseph G. Cannon, of Illinois, Speaker.

⁶ First session Sixty-seventh Congress, Record, p. 1983.

Mr. Joseph Walsh, of Massachusetts, raised a question of order.

The Speaker¹ held it in order to withdraw the bill and recognized Mr. Winslow to call up the second bill designated by the committee.

931. On Wednesday, August 10, 1921,² Mr. Julius Kahn, of California, from the Committee on Military Affairs, called up, under the rule, the bill (H. R. 7251) to authorize the Secretary of War to effect a change of title to railroad rights of way at Camp Henry Knox, Ky., and the House resolved into the Committee of the Whole on the state of the Union for the consideration of the bill. After some time the committee rose and reported having come to no resolution.

Whereupon Mr. Kahn announced the withdrawal of the bill by the Committee on Military Affairs for the purpose of calling up the bill (H. R. 1574) authorizing the exchange of sample arms with foreign nations.

Mr. Thomas L. Blanton made the point of order that the bill, having been called up and considered, was unfinished business and could not be withdrawn.

The Speaker¹ held that the bill could be withdrawn at any time before a decision thereon and on withdrawal resumed its place on the calendar in the same status occupied before being called up.

932. A privileged bill may not be called up for consideration under the rule on Wednesday.

On Wednesday, April 13, 1910,³ the Committee on Public Lands having been reached in the call of committees, Mr. Frank W. Mondell, of Wyoming, from that committee, called up the bill (H. R. 13907) to provide for agricultural entries on coal lands.

Mr. William B. Craig, of Alabama, made the point of order that the bill was privileged and therefore ineligible for consideration on Wednesday.

The Speaker⁴ ruled:

The Chair ruled a week ago to-day upon a question that arose similar to the one that arises on the present bill. The following-named committees shall have leave to report at any time on the matters herein stated: The Committee on the Public Lands, for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers. This bill, on its face, permits homesteads upon the public lands to bona fide and actual settlers for the surface, and it seems to the Chair that under the rule it is a privileged bill, which is therefore not in order to-day.

933. Tuesday, April 25, 1911,⁵ Mr. William C. Houston, of Tennessee, from the Committee on the Census, presented the report of that committee on the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-seventh Congress, Record, p. 4836.

³ Second session Sixty-first Congress, Record, p. 4632.

⁴ Joseph G. Cannon, of Illinois, Speaker.

⁵ First session Sixty-second Congress, Record, p. 624.

Mr. James R. Mann, of Illinois, inquired whether it was proposed to call up the bill on the following day, which was Wednesday, there being no other bills on the calendar.

The Speaker¹ said:

This being a privileged bill, it would not be in order on Calendar Wednesday.

934. On August 9, 1911,² this being Wednesday, when the Committee on Printing was reached in the call of committees. Mr. David E. Finley, of South Carolina, from that committee, called up the concurrent resolution (H. Con. Res. 9) to print the hearings before the Employers' Liability and Workmen's Compensation Commission.

Mr. James R. Mann, of Illinois, raised the point of order that the bill, being privileged, was not in order on Wednesday.

The Speaker¹ sustained the point of order.

935. On June 18,³ 1918, in discussing the order of business, Mr. Joshua W. Alexander, of Missouri, announced that the bills (H. R. 12099) prescribing charter rates and freight rates, and (H. R. 12100) to amend the United States Shipping Board act, would be called up on the following day, which was Wednesday.

Mr. William H. Stafford, of Wisconsin, raised the question of order that these bills, having been granted privileged status under special order, had thereby been rendered ineligible for consideration on Wednesday.

The Speaker¹ sustained the point of order.

936. The privilege of a bill is not affected by the method by which reported and delivery of a privileged bill to the Clerk does not thereby destroy its privilege so as to render it eligible for consideration under call of committees on Wednesday.

On December 10, 1919,⁴ this being Wednesday, the Committee on Public Lands was called, and Mr. Nicholas J. Sinnott, of Oregon, by direction of the committee, called up the joint resolution (H. J. Res. 20) giving discharged soldiers preferred right of homestead entry.

Mr. Rollin B. Sanford, of New York, raised the question of order that the resolution was privileged and the committee by reporting it through delivery to the Clerk instead of from the floor could not thereby destroy its privilege and make it in order for consideration on Wednesday.

The Speaker,⁵ through overruling the point of order on the ground that the pending bill was not originally a privileged bill, sustained the contention that a committee by reporting a bill as if unprivileged could not so render it eligible for consideration under the call of committees on Wednesday.

¹ Champ Clark, of Missouri, Speaker.

² First session Sixty-second Congress, Journal, p. 416; Record, p. 3767.

³ Second session Sixty-fifth Congress, Record, p. 7986.

⁴ Second session Sixty-sixth Congress, Journal, p. 32; Record, p. 366.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

937. Bills reported from the District Committee are not so privileged as to prevent their being taken up under call of committees on Wednesday.

On Wednesday, February 15, 1922,¹ when the Committee on the District of Columbia was reached in the call of committees, Mr. Benjamin K. Focht, of Pennsylvania, from that committee, called up the bill (S. 2265) to regulate marine insurance in the District of Columbia.

This bill had been previously considered by the House on a day devoted to bills reported from the District Committee.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the bill could not be considered on Wednesday.

The Speaker² said:

So far as the Chair knows, this is a novel question, which has not been decided before either by the Speaker or by the House. It brings up for interpretation that clause of the rule which says that any bill may be called up on Calendar Wednesday excepting bills which are privileged under the rules. To hold that the Committee on the District of Columbia can not bring up a bill would be to hold that the bills of the District Committee are privileged. The Chair thinks that would mean that all bills reported by the Committee on the District of Columbia are prohibited from consideration on Calendar Wednesday, which would mean that the District of Columbia Committee might just as well not be called on Calendar Wednesday. There is, of course, force to the statement that Calendar Wednesday was meant for bills which were not privileged and therefore had no other opportunity, and that in that light District of Columbia bills having a certain day might be considered in that sense as privileged. But the words "privileged bills" have in our practice a certain meaning. They mean bills which are reported from the floor, and it seems to the Chair that he ought not to put an unusual interpretation on the words "privileged bills" by trying to imagine that the House, when the rule was adopted, meant to include something which is not ordinarily included in the words "bills that are privileged under the rules." And while this particular bill has already been considered in the Committee of the Whole and thereby has acquired a certain status there, the Chair does not think that has made of it a privileged bill. Therefore the Chair thinks that the bills of the Committee on the District of Columbia, not being of that class which are generally considered privileged bills, can be called up on Calendar Wednesday. The Clerk will report the bill.

938. There is no priority as between House or Union Calendars bills on Wednesday, and the committee called may bring up bills from either calendar at will.

On Wednesday, December 15, 1909,³ during a call of committees under the rule, Mr. Francis B. Harrison, of New York, as a parliamentary inquiry, asked if bills on the House Calendar had preference over bills on the Union Calendar under the Calendar Wednesday rule.

The Speaker² said:

There is nothing in the rule touching the matter of preference. The rule does not seem to prefer either the House or the Union Calendar, and the action of the House under the rules is governed by the committee on call, bringing itself within the rules. We have just considered two bills on the House Calendar. The gentleman from Illinois, chairman of the Committee on Interstate and Foreign Commerce, now calls up a bill upon the Union Calendar.

¹ Second session Sixty-seventh Congress, Record, p. 2614.

² Joseph G. Cannon, of Illinois, Speaker.

³ Second session Sixty-first Congress, Record, p. 162.

939. When a bill on the Union Calendar is called up on Calendar Wednesday the House automatically resolves into the Committee of the Whole House on the state of the Union without motion from the floor.

On Wednesday, December 15, 1909,¹ the Committee on Interstate and Foreign Commerce was called, and Mr. James R. Mann, of Illinois, by direction of that committee, called up from the Union Calendar the bill (H. R. 12316) to provide for the government of the Canal Zone.

Whereupon, without suggestion from the floor, the Speaker² rendered the following decision:

The gentleman from Illinois, by direction of that committee, calls up House bill 12316, upon the Union Calendar. This bill is called up by direction of the Committee on Interstate and Foreign Commerce by the chairman of that committee. The part of the rule that governs the action of the House at this time is as follows:

“On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.”

So far as the Chair has recollection, whenever special orders, which are rules of the House for special occasions, have provided that the House should immediately resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a bill, the invariable practice of the House has been that the Speaker should at once declare the House in committee without a vote of the House on the question. It seems to the Chair that the intent of the rule now in operation, as shown by its purpose and language, is that the House shall without vote be resolved into the Committee of the Whole for the consideration of the bill specified by the committee having the right at this time to call a bill up for consideration. If such were not the case, we would have a motion to resolve the House into the Committee of the Whole House on the state of the Union for the consideration of the bill specified, with the possibility of a roll call, thus consuming time. And under the precedents for the prompt transaction of business, the Chair, in construing this rule, will declare the House in Committee of the Whole House on the state of the Union for the consideration of the bill.

940. On August 16, 1911,² the Speaker announced that the day was Calendar Wednesday, and the unfinished business was the bill (S. 943) for the improvement of the Black Warrior River, called up from the Union Calendar on the preceding Wednesday by the Committee on Rivers and Harbors.

Mr. Stephen M. Sparkman, of Florida, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The Speaker³ declined to entertain the motion on the ground that the bill, being a Union Calendar bill, the House resolved into the Committee of the Whole automatically under the rule.

941. On Wednesday, December 3, 1913,⁴ when the Committee on Foreign Affairs was reached in the call of committees, Mr. Henry D. Flood, from that committee, called up the bill (S. 2318) authorizing the appointment of ministers to Paraguay and Uruguay.

¹Second session Sixty-first Congress, Record, p. 161.

²First session Sixty-second Congress, Record, p. 4004.

³Champ Clark, of Missouri, Speaker.

⁴Second session Sixty-third Congress, Record, p. 141.

The Speaker directed the Clerk to report the bill, when Mr. James R. Mann, of Illinois, made the point of order that the bill was on the Union Calendar.

The Speaker¹ sustained the point of order and announced that the House automatically resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill.

942. On Wednesday, June 25, 1919,² the House was considering in the Committee of the Whole House on the state of the Union the bill (S. 1213) relating to vocational rehabilitation, called up by the Committee on Education.

The committee having risen in order to permit the presentation of the conference report on the District of Columbia appropriation bill, Mr. Simeon D. Fess, of Ohio, moved that the House again resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the pending bill.

The Speaker pro tempore³ said:

It is not necessary for the gentleman from Ohio to make that motion. The committee automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

943. On rejection by the House of a recommendation by Committee of the Whole for peremptory disposition of a bill under consideration on Calendar Wednesday, the House automatically resolves into the committee for its further consideration.

A bill taken up for consideration under call of committees on Wednesday does not lose its place on the calendar.

On Wednesday, April 5, 1916,⁴ the Committee of the Whole House on the state of the Union rose and the Chairman reported that the committee, having had under consideration the joint resolution (H. J. Res. 103) authorizing the collection of additional cotton statistics, had directed him to report the resolution back to the House with the recommendation that the enacting clause be stricken out.

The question on agreeing to the recommendation of the committee being taken, it was decided in the negative, yeas 128, nays 167.

Thereupon, Mr. Harvey Helm, of Kentucky, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the resolution.

Mr. James R. Mann, of Illinois, made the point of order that the motion was not in order.

The Speaker¹ said:

The Chair holds that the House automatically resolves itself into the Committee of the Whole House on the state of the Union for further consideration of this resolution.

In the opinion of the Chair, this bill has never been off the calendar. It was on the calendar on a previous Wednesday, and it was considered somewhat that day. That does not seem to have taken it off the calendar because it came up to-day. Now, if the consideration of it on the first Wednesday that it came up did not take it off the calendar, it is clear that the transactions here to-day do not take it off.

¹ Champ Clark, of Missouri, Speaker.

² First session Sixty-sixth Congress. Record. p. 1766.

³ Philip P. Campbell, of Kansas, Speaker pro tempore.

⁴ First session Sixty-fourth Congress, Record, p. 5551.

944. The call of committees under the Calendar Wednesday rule is differentiated from the call of committees during the regular morning hour, and each maintains its separate calendar.

A bill undisposed of on the Wednesday allotted to a committee remains the unfinished business until that committee is again called on Wednesday in its regular order.

On January 24, 1912,¹ a Calendar Wednesday, Mr. William C. Adamson, of Georgia, by direction of the Committee on Interstate and Foreign Commerce, proposed to call up the bill (S. 3024) to provide for reconstruction of a bridge across the Weymouth River.

Mr. Martin D. Foster, of Illinois, made the point of order that the Committee on Interstate and Foreign Commerce, having occupied the last two Wednesdays, could not call up further business until again reached in the call of committees.

Mr. Adamson took the position that the call of committees during the morning hour on the preceding day, under which the Committee of Interstate and Foreign Commerce had been reached, entitled that committee to proceed with the consideration of the pending bill.

The Speaker² ruled:

The Chair believes that if this was an ordinary call of committees the Committee on Interstate and Foreign Commerce would have a right to call up some business; but that committee has occupied two whole Calendar Wednesdays, and the rule says positively that it shall not occupy more than two days until the other committees have a chance. In the opinion of the Chair there is an important difference between the regular morning hour and Calendar Wednesday. While the other committees have been called under the regular call, they have not been called under Calendar Wednesday. The Chair believes a fair construction of the rule would give the other committees of the House priority to-day over the Committee on Interstate and Foreign Commerce; therefore the point of order is sustained.

945. In the interpretation of "Wednesday" in the Calendar Wednesday rule a portion of a day is considered one day.

On Wednesday, December 6, 1916,³ the Speaker directed a call of the committees, and the Clerk called the Committee on Rivers and Harbors.

Mr. William C. Adamson, of Georgia, made the point of order that the call rested on the Committee on Interstate and Foreign Commerce, which had occupied only a portion of the second Wednesday to which it was entitled.

The Speaker² held that any fraction of a Wednesday, however small, was considered a full day, and the Committee on Interstate and Foreign Commerce having occupied one full day and a portion of another was considered to have consumed two Wednesdays and could not be again called until the remaining committees had been called in their turn.

946. The motion to grant a committee an additional Wednesday under the Calendar Wednesday rule is in order prior to the Wednesday on which the committee is called.

An agreement entered into by unanimous consent may be modified by unanimous consent at the pleasure of the House.

¹ Second session Sixty-second Congress, Record, p. 1269.

² Champ Clark, of Missouri, Speaker.

³ Second session Sixty-fourth Congress, Record, p. 52.

On January 26, 1916,¹ Mr. Edward Keating, of Colorado, offered the following resolution:

That it shall be in order to continue the consideration of H. R. 8234 on call of the Committee on Labor on Calendar Wednesday until said bill shall be fully disposed of before proceeding with the call to any other committee.

Mr. Pat Harrison, of Mississippi, made the point of order that the Committee on Labor was entitled to the following Wednesday, and a motion to extend the time allotted to it was not in order until the Wednesday to which it was entitled had been consumed.

Mr. Harrison further submitted that a unanimous-consent agreement already entered into extended the time for consideration of the pending bill and could not be abrogated.

The Speaker² said:

All the rules of the House are intended to expedite business and not retard it, and all the rulings by the Chair ought to be in harmony with that idea. Under certain circumstances the House makes a unanimous-consent agreement, but circumstances may change in 24 hours so that it wants to do something else. It would be tying our hands absolutely to say that you could not change a unanimous-consent agreement. It takes a two-thirds vote to make this extension. It could have been made just as well when the bill was first called up as it can be made now, or it could be made at any particular time the House saw fit. What has happened is that the Members of the House have evidently concluded in their own minds that they can not finish the bill today, and they wish it to be in order next Wednesday. Therefore a motion is made to settle the question now. The Chair thinks it is not premature, and that it might have been made on last Wednesday. The Chair overrules the point of order.

947. The question of consideration may be demanded against a bill called up under the rule on Wednesday.

On February 13, 1918,³ when the Committee on the Library was reached under the Calendar Wednesday call, Mr. James L. Slayden, of Texas, from that committee, called up the joint resolution (H. J. Res. 70) authorizing the erection of a statue of James Buchanan.

Mr. Joseph Walsh, of Massachusetts, rose to demand the question of consideration.

The Speaker² having recognized Mr. Walsh for that purpose, put the question, and the House decided to consider the resolution, yeas 213, nays 127.

948. Formerly the question of consideration was raised against a bill on the Union Calendar in the committee and not in the House.

On Wednesday, April 15, 1914,⁴ during the call of the committees under the rule, Mr. John T. Watkins, of Louisiana, from the Committee on the Judiciary, called up the bill (H. R. 15578) to codify the laws relating to the judiciary, a bill on the Union Calendar.

Mr. James R. Mann, of Illinois, as a parliamentary inquiry, asked when it was in order to raise the question of consideration.

¹ First session Sixty-fourth Congress, Record, p. 1608.

² Champ Clark, of Missouri, Speaker.

³ Second session Sixty-fifth Congress, Record, p. 2080.

⁴ Second session Sixty-third Congress, Journal, p. 1022; Record, p. 6766.

The Speaker pro tempore,¹ said:

The unfinished business having been disposed of and the Committee on Revision of Laws having the right to call up bills reported from that committee for consideration, and that committee having called up a bill on the Union Calendar for consideration, it is the opinion of the Chair that it is the duty of the Speaker, under the rules, paragraphs 4 and 7 of Rule XXIV, to declare that the House automatically resolves itself into committee of the Whole House on the state of the Union for the consideration of the bill and to call some one to preside in committee.

949. On Wednesday, May 3, 1916,² the Committee on Flood Control, when called, called up from the Union Calendar the bill (H. R. 14777) to provide for the control of floods of the Mississippi and Sacramento Rivers.

Mr. J. Hampton Moore, of Pennsylvania, demanded the question of consideration.

The Speaker³ declined to recognize him for that purpose and called attention to former rulings holding that on Wednesday the question of consideration could be raised against Union Calendar bills only in the Committee of the Whole.

950. On Wednesday, September 3, 1919,⁴ when the joint resolution (H. J. Res. 87), authorizing national banks to subscribe to the united way work campaign, was called up by the Committee on Banking and Currency, Mr. Finis J. Garrett, of Tennessee, proposed to raise the question of consideration.

The Speaker⁵ said:

The attention of the Chair has been called to a precedent which decides that on Calendar Wednesday when the House automatically resolves itself into committee on a bill the question of consideration must be raised in the committee. So the gentleman from Tennessee can raise the question of consideration as soon as the House resolves itself into the Committee of the Whole. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

951. The question of consideration is in order in Committee of the Whole on Wednesday only, but if reported to the House, the recommendation of the committee is then subject to approval or rejection, and, if rejected, the House automatically resolves into the committee for further consideration of the measure.

On Wednesday, April 22, 1914,⁶ when the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify the laws relating to the judiciary which had been called up by the Committee on the Judiciary, Mr. James R. Mann, of Illinois, raised the question of consideration.

Mr. James Hay, of Virginia, made the point of order that the question of consideration could not be demanded in the Committee of the Whole.

¹ Joshua W. Alexander, of Missouri, Speaker pro tempore.

² First session Sixty-fourth Congress, Record, p. 7321.

³ Champ Clark, of Missouri, Speaker.

⁴ First session Sixty-sixth Congress, Record, p. 4811.

⁵ Frederick H. Gillett, of Massachusetts, Speaker.

⁶ Second session Sixty-third Congress, Record, p. 7094.

The Chairman¹ ruled:

The Chair would like to state, in the first place, that he believes that there ought to be some opportunity at some time for either the House or the committee to determine the question of consideration of any bill, and by a majority vote. The Chair can not agree that this rule is intended to enable the House to dispense with a part of Calendar Wednesday. As the Chair reads the rule and construes it, he is persuaded to believe that it means to dispense with the entire business of the day, or none. There are several reasons; among them there are several decisions of the Speakers of the House that there shall be no preference between House bills and Union Calendar bills upon the calendar on Wednesday. While it is admitted and has frequently been ruled that a majority vote on a House Calendar bill will prevent its consideration, and the argument is made which, if correct, would require a two-thirds vote to dispense with one that was on the Union Calendar, so there would be a distinction. Now, if this were an original proposition, the Chair is disposed to believe that he would have held that under Rule III the consideration could have been raised before the House resolved itself into the Committee of the Whole House. The Chair knows that question may be raised where a motion is made to go into the Committee of the Whole House to consider a bill. The rule reads this way:

“When any motion or proposition is made, the question, Will the House now consider it? will not be put, unless demanded by a Member.”

It says “any motion or proposition.” The Chair is inclined to believe that this was intended to cover cases of this sort. When a bill is called it is a proposition, it would seem to the Chair, to go into the Committee of the Whole to consider the bill, not a motion, because you automatically go into the Committee of the Whole House to consider a bill on the calendar, if on the Union Calendar, as this bill was. But the Chair is impressed with the belief that there ought to be some time when a majority of the House or the Committee of the Whole House can determine whether or not it will consider a bill. In view of the ruling of Speaker Cannon and Speaker pro tempore Mr. Alexander, who, in this very case, decided when the motion was made raising the question of consideration that it could not be raised at that time, I think the opportunity to raise the question should now be permitted. Therefore, the Chair overrules the point of order.

The question of consideration being submitted, was decided in the negative. Thereupon the committee rose, and the Chairman, having reported the bill back to the House with the recommendation that it be not considered, Mr. Charles L. Bartlett, of Georgia, raised a point of order against the report.

The Speaker² said:

There are several questions involved in this matter, and the Chair will try to straighten them all out.

Until the Calendar Wednesday rule was made it was the privilege of any Member of the House to raise the question of consideration on any bill, resolution, or proposition. Speaker Reed once said that the purpose of all rules was to expedite business and not retard it. That is the correct light in which to examine them.

The House has the right to do as it pleases about any bill, and should have a chance to express its opinion. If it does not want to consider it, it has a perfect right to say that it will not consider it. That is no abridgment of anybody's privilege. It is to maintain the integrity of the House. The gentleman from Kentucky, Mr. Sherley, has a very terse and luminous way of stating things, and on the 14th day of December, 1910, he delivered these remarks:

“Mr. Speaker, if the Chair will permit me, it seems to me that the surest way to determine every debatable proposition is by answering the question, What ruling gives the House the greatest freedom? Now, the purpose of Calendar Wednesday was not to guarantee that certain committees should have certain bills considered, but that they should have an opportunity to present

¹ Joseph J. Russell, of Missouri, Chairman.

² Champ Clark, of Missouri, Speaker.

bills that they had reported, and then the House should have the right to say whether it would consider them or not”—

Now, until the Calendar Wednesday rule, as I said, was adopted, you could raise the question of consideration on any legislative proposition. Most of the men who have participated in this long debate here to-day—and the Speaker remained in the Chamber and heard every word—were here when this Calendar Wednesday rule was adopted, and we know precisely why it was adopted. In those same remarks the gentleman from Kentucky [Mr. Sherley] stated this:

“The abuse that Calendar Wednesday was meant to cure was the constant feeding into the House of matters that had privilege and prevented the calling of the calendar; but it was not meant, by making a call of the calendar peremptory on certain days, to compel the House necessarily to consider matters on the calendar, but simply to give the House opportunity to consider them.”

The complaints that led to the adoption of Calendar Wednesday were that committees reported bills and never got a chance to call them up. The call of the committee has been a part of the House proceedings antedating any of us. But they fell into the habit of crowding privileged matters in here, sometimes on purpose and sometimes in the ordinary course of business, so that Members could not get their bills up, and therefore we established Calendar Wednesday. Nobody has any disposition to overthrow it. I know that the Chair has none.

The reading of that Calendar Wednesday rule is peculiar. It provides:

“On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules.”

That last clause was put there to prevent any of the big committees having jurisdiction of appropriations, revenue bills, and so forth, from crowding in on Calendar Wednesday. They have to stand aside on Wednesday and let somebody else have the right of way. The rule provides further:

“But bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.”

Now, I agree with Speaker Cannon and the temporary Speaker, Mr. Alexander. I do not believe that any other reasonable construction can be put upon that clause except that it meant an automatic going into Committee of the Whole House on the state of the Union; and the reason that was done was to prevent filibustering. I know that that is so, because I was here, and while I was not on the Committee on Rules, I participated in the establishment of that rule.

There must be some place, somewhere—there ought to be, at least—to raise the question of consideration; and failing to be able to raise the question of consideration in the House in the first instance on bills on the Union Calendar on Wednesday, it ought to be permitted to be raised in committee.

In the first place, the Chair sustains the ruling of Speaker Cannon and of temporary Speaker Alexander, and he sustains the contention that you may raise the question of consideration on Calendar Wednesday—on no other day—in the Committee of the Whole House on the state of the Union. On every other day you have the opportunity to raise it in the first instance in the House. The motion to go into the committee raises the question on every other day.

Secondly, the Chair thinks that in this case the motion ought to be put to the House, which is the greater body and the controlling body, as it takes 217 to make a quorum in the House, just as the House votes on the recommendation of the Committee of the Whole House on the state of the Union when the committee reports back a bill with the recommendation that it lie on the table, or with the recommendation that the bill do not pass, or with the recommendation that the enacting clause be stricken out, or that everything after the enacting clause be stricken out. The committee has the right to report any one of those recommendations.

Therefore the question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

The question is on agreeing to the recommendation of the Committee of the Whole being put, the House declined to approve it, yeas 115, nays 167.

Whereupon, Mr. John T. Watkins, of Louisiana, made the point of order that the recommendation of the committee having been rejected, the House automatically resolved into the Committee of the Whole.

The Speaker sustained the point of order, and announced that the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

952. The modern practice is to raise the question of consideration on Calendar Wednesday in the House, as on other days, and if decided in the affirmative the House resolves automatically into the Committee of the Whole.

On May 9, 1928,¹ evidently by prearrangement, Mr. Charles R. Crisp, of Georgia, propounded a parliamentary inquiry as to the intention of the Speaker to follow the established practice of declining to recognize Members to raise the question of consideration in the House on Calendar Wednesday.

Mr. Crisp took the position that while it has been customary from the time of the adoption of the rule to restrict the question of consideration to the Committee of the Whole on Calendar Wednesday, it was not logical, and the practice should be changed to admit the question of consideration in the House on such days before resolving into the Committee of the Whole.

The Speaker,² in a carefully considered decision, held:

While not of extreme importance, the question raised is of considerable importance. The last time the question was raised in the House was on March 20 of this year, when the gentleman from Tennessee, Mr. Garrett, raised the question of consideration in the House. The present occupant of the chair, following the precedents, held that the proper place to raise the question of consideration was in the Committee. It was raised in the Committee, and then the question came up as to whether the Committee must at once report back to the House its decision on the question of consideration. The occupant of the chair at the time, the gentleman from Michigan, Mr. Hooper, held that it did. Therefore the question was ultimately determined by the House, which voted to consider the bill.

Now, it does seem perfectly apparent that on that occasion the House went through two practically useless motions; first, in going into Committee of the Whole; and then, second, raising the question of consideration and reporting back to the House what it had decided on the question of consideration, the House having ultimately to determine.

Now, the Chair, of course, is rather loath, under the rules, to overturn by his decision long and well established precedents; but numerous Speakers—at least one Speaker—expressed grave doubt some years ago as to whether we ought not to overrule this precedent, as to whether the question of consideration should be raised in the House or in the Committee; and Mr. Speaker Gillett said:

“The Chair is not disposed to express his opinion offhand without careful study of the question as to which would be the better practice; but the ruling has been that the question of consideration should be raised in the Committee, and not in the House; and although to raise the question of consideration in the Committee is an anomaly, the Chair would not feel disposed to overrule that without a very thorough study and consideration of the question.”

The Chair has made careful investigation of that question, and has prepared a decision of some length, making quotations from the precedents, which, with the permission of the House, he will insert in the Record without reading. But the Chair is decidedly of the opinion that the former decision should be overruled. In every other case and at every other time in the case of

¹First session Seventieth Congress, Record, p. 8212.

²Nicholas Longworth, of Ohio, Speaker.

a Union Calendar bill the question is always raised in the House, and the reason announced by Mr. Speaker Clark, when he ruled that it ought to be raised in the Committee, was on account of the phraseology of the Calendar Wednesday rule, which provides that on Calendar Wednesday "bills called up from the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union," without the necessity of a motion being made, but it has frequently happened that in the case of a Union Calendar bill the gentleman in charge may ask unanimous consent that it be considered in the House as in Committee of the Whole, which is, after all, an intervening motion.

So that the word "automatically" as used in the Cannon decision does not apply to that. Speaker Clark held that the words "bills called up from the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union" meant that no intervening motion could be made; that the House must at once resolve itself into the Committee of the Whole House on the state of the Union. The Chair is inclined to think, though, that the logic of the situation is where the provision is that the House automatically resolves itself into the Committee of the Whole House on the state of the Union that that phraseology was put in merely to make it unnecessary to move that the House go into the Committee of the Whole. That is certainly in the direction of speeding up legislation, because on a motion, of course, the question could be put and a roll call had. But the present occupant of the chair does not think that would preclude the raising of the question of consideration in the House at the beginning. It must be raised in the House finally. Therefore, why should we go through the useless motion of going into the Committee of the Whole, have the question of consideration raised in the Committee, and then reported back to the House for its ultimate action? The Chair thinks the logic of the situation us all in favor of overruling the previous precedents, and, as the Chair has said, while he is not disposed as a general thing to overrule well-established precedents, he thinks that the necessity of the case justifies him in doing so now. So the present occupant of the chair will say that when the question is raised the next time he will hold that the question of consideration should be raised in the House and not in the Committee.

953. On January 27, 1932,¹ the Speaker² announced that the day was Calendar Wednesday and directed the Clerk to call the committees.

When the Committee on Interstate and Foreign Commerce was reached in the call, Mr. Robert Crosser, of Ohio, from that committee, called up the joint resolution (H. J. Res. 252) to authorize the Interstate Commerce Commission to make an investigation as to the possibility of establishing a 6-hour day for railway employees.

Mr. Thomas L. Blanton, of Texas, raised the question of consideration, and the question being taken, the House voted to consider the resolution.

The Speaker announced:

The House votes to consider the resolution. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

954. When a bill previously debated is called up for the first time on Calendar Wednesday, consideration proceeds as if there had been no previous debate.

On Wednesday, February 15, 1922,³ when the Committee on the District of Columbia was reached in the call of committees, Mr. Benjamin Focht, of Pennsylvania, from that committee, called up the bill (S. 2265) to regulate marine insurance in the District of Columbia.

This bill had previously been considered on a Monday set apart for the consideration of District of Columbia business.

¹ First session, Seventy-second Congress, Record, p. 2815.

² John N. Garner, of Texas, Speaker.

³ Second session Sixty-seventh Congress, Record, p. 2614.

Mr. Joseph Walsh, of Massachusetts, raised several questions of order, among them one as to whether debate already had on the bill on the occasion of its former consideration would be considered in recognizing for debate under the Calendar Wednesday rule.

The Chairman ¹ said:

The Chair is of opinion that this bill, having been called up under the Calendar Wednesday rule, it should be considered under that rule just as though there had been no previous debate upon the measure. The Chair, therefore, recognizes the gentleman from Pennsylvania for one hour.

955. The provision for two hours' debate and equal division of time under the Calendar Wednesday rule applies to Union Calendar bills only and not to House bills.

The Member calling up a House bill on Calendar Wednesday is recognized for one hour and may move the previous question, for the purpose of preventing debate or amendment, at any time.

On Wednesday, April 21, 1920,² the House having, by a two-thirds vote, determined to consider the bill (H. R. 13138) amending the antitrust act, a Union Calendar bill to which the two previous Wednesdays had been devoted, Mr. Otis Wingo, of Arkansas, demanded the regular order.

The regular order was the decision of the Speaker on a point of order raised by Mr. Wingo against the ordering of the previous question demanded on the passage of the bill by Mr. Edmund Platt, of New York, and pending at adjournment on the preceding Wednesday.

The Speaker ³ said:

The purpose of the Chair will be to decide the question, both in accord with what he thinks was the purpose of those who framed the rule, and also in accord with what he thinks would be for the advantage of the House in carrying out that purpose.

The original intention of the Calendar Wednesday rule was to force the consideration upon one day of the week of a certain class of business. Experience showed, however, that the rule was not accomplishing what was hoped and planned, and accordingly the rule was changed and the clause inserted which gives rise to the question before us to-day.

The rule reads—

“Not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill.”

The Chair is disposed to follow, in general, the line of reasoning made two weeks ago by the gentleman from Georgia, Mr. Crisp. The phrase—

“Not more than two hours of general debate shall be permitted”—

has some uncertainty, for although the phrase “general debate” is usually used as applying to debate in Committee of the Whole, where it is not confined to the subject of the bill, yet it is also used as to debate on a bill in the House, the initial debate covering the whole subject of the bill, and the Chair does not think that phrase alone determines the question.

¹ Clifton N. McArthur, of Oregon, Chairman.

² Second session Sixty-sixth Congress, Record, p. 5946.

³ Frederick H. Gillett, of Massachusetts, Speaker.

Then the phrase—

“All debate must be confined to the subject matter of the bill”—

applies simply to debate in Committee of the Whole, because in the House without any such provision the debate must be confined to the subject matter of the bill. But although that phrase applies simply to the Committee of the Whole it does not necessarily follow that the whole sentence has the same application. Then comes the phrase—

“The time to be equally divided between those for and against the bill.”

That might apply as well to bills on the House Calendar as to bills on the Union Calendar. But the main purpose of this clause was to expedite the business of the House. The Calendar Wednesday rule had fallen short of accomplishing the end for which it was originally aimed, that of giving to relatively unimportant bills one day in the week when they would be considered and removed from the calendar. By tactics which might be called filibustering the purpose of that rule had been evaded, and this provision was inserted to prevent those delaying tactics. So the Chair thinks the main purpose of adopting this rule was speed and expedition in the transaction of the business of the House on Calendar Wednesday.

That being so, it seems to the Chair that that purpose will be best furthered by holding that this clause applies to bills on the Union Calendar only and that when bills on the House Calendar are brought up on Calendar Wednesday the previous question can be ordered at any time. The only way in which that would at all controvert this rule would be that it might interfere with the phrase—

“the time to be equally divided between those for and against the bill”

—because the man who had the bill in charge might use five minutes and then move the previous question. He might not give to those opposed to the bill any opportunity for debate. But the Chair does not think that argument has much practical force, for it is the custom for the man in charge of a bill to recognize the equal claim to debate of those opposed, and it is very rare that in debate the time is not fairly divided. On this very bill, for instance, the gentleman having it in charge, after having used 10 minutes himself, yielded 10 minutes to a gentleman opposed to the bill. The Chair might suggest that this very bill somewhat illustrates the fact that this ruling would not interfere with fair play, but would further the main purpose of the rule and prevent filibustering and hasten action, because the Chair has more than a suspicion that the time desired in opposition was not really because of antagonism to the bill, but was aimed at prolonging the consideration of this bill, so as to occupy the Calendar Wednesday and prevent the consideration of other bills which might follow it. So this very case is an illustration of the way in which the purpose of Calendar Wednesday is sometimes being obstructed and the rule availed of for filibustering purposes.

Therefore the Chair thinks that it would best be carrying out the intention of those who framed this provision and expediting the business of the House to rule that the previous question can be ordered. That leaves it all in the control of the House, because if the House desires debate the previous question can be voted down. Therefore the Chair rules that the previous question, which was moved by the gentleman from New York, is in order.

He can move the previous question after one minute's debate if he so desires. He has the same power in this case as to moving the previous question that he would have at any time in the House.

Mr. Wingo having appealed, the House sustained the decision of the Chair, yeas 274, nays 15.

956. On February 1, 1928,¹ under the Calendar Wednesday rule, Mr. Louis T. McFadden, of Pennsylvania, by direction of the Committee on Banking and Currency, called up the bill (H. R. 6491) to amend an act to supplement existing laws against unlawful restraints and monopolies.

¹First session Seventieth Congress, Journal, p. 1013; Record, p. 2332.

In response to an inquiry from Mr. McFadden, the Speaker¹ ruled that Mr. McFadden was entitled to recognition for one hour with right to move the previous question at any time.

Mr. Thomas L. Blanton, of Texas, took exception to the ruling and argued that under the rule time for debate should be equally divided between those for and against the bill, and those opposing the bill were also entitled to recognition for an hour, during which time amendments might be offered.

After debate, the Speaker ruled:

The Chair has before him an exact precedent on the question now at issue. On April 21, 1920, the same point was made by the gentleman from Arkansas, Mr. Wingo, as has been made by several gentlemen this morning, to wit, that the same rule of two hours' debate should apply to bills on the House Calendar as applies to bills on the Union Calendar. After some discussion Mr. Speaker Gillett made a very well considered ruling as to the philosophy of the Calendar Wednesday rule. The Chair will read one or two paragraphs of that decision. After discussing the philosophy of the rule and the necessity of preserving the integrity of Calendar Wednesday against what might be filibustering or otherwise to prevent consideration of a bill, Mr. Speaker Gillett said—

The Speaker read from the decision² referred to and continued:

The gentleman from Arkansas appealed from that decision, and the Chair was sustained by a vote of 274 to 15.

Under the circumstances the Chair is constrained to hold that the Calendar Wednesday rule as to two hours' debate applies only to Union Calendar bills, and not to bills on the House Calendar; and if the House desires to debate this question at any length, it can vote down the previous question whenever moved by the gentleman from Pennsylvania. But the Chair holds that so far as the bills on the House Calendar are concerned, they are governed by the same rules as prevail on any other day, and that the 2-hour-debate rule applies only to bills on the Union Calendar.

The Chair recognizes the gentleman from Pennsylvania for one hour.

957. On Wednesday, May 4, 1921,³ during general debate on the bill (H. R. 2373) authorizing association of producers of agricultural products, in response to a parliamentary inquiry submitted by Mr. Fred H. Dominick, of South Carolina, the Speaker⁴ held that a motion for the previous question was in order and, if agreed to by the House, precluded amendment.

958. A member of the committee calling up a bill on Calendar Wednesday is entitled to prior recognition to oppose it, but if no member of the committee opposes it any Member may be recognized in opposition.

On Wednesday, October 1, 1919,⁵ the House was considering, in the Committee of the Whole House on the state of the Union, the bill (H. R. 7015) fixing rates for the Panama Canal, called up by the Committee on Interstate and Foreign Commerce.

The hour of general debate in favor of the bill having been consumed, Mr. Albert Johnson, of Washington, who was not a member of the Committee on Interstate and Foreign Commerce, asked recognition in opposition to the bill.

¹Nicholas Longworth, of Ohio, Speaker.

²See sec. 8086 of this work.

³First session Sixty-seventh Congress, Record, p. 1037.

⁴Frederick H. Gillett, of Massachusetts, Speaker.

⁵First session Sixty-sixth Congress, Record, p. 6216.

The Chairman¹ inquired:

Before recognizing the gentleman from Washington the Chair will ask if there is any member of the committee opposed to the bill?

Mr. John J. Esch, of Wisconsin, chairman of the Committee on Interstate and Foreign Commerce, replied:

I know of no member of the committee who is opposed to it.

The Chairman said:

Then the Chair will recognize the gentleman from Washington for one hour.

959. Debate on bills called up on Calendar Wednesday is limited to two hours, to be divided equally between those for and against the measure.

In recognizing for debate under the Calendar Wednesday rule, preference is given members of the committee reporting the bill; if no member of the committee claims the time in opposition, the Chair may recognize any Member for that half of the time.

The time allotted for debate under the Calendar Wednesday rule may not be extended in Committee of the Whole even by unanimous consent.

On May 14, 1930,² it being Calendar Wednesday, the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the Department of Agriculture was being considered in the Committee of the Whole House on the state of the Union.

Mr. Gilbert N. Haugen, chairman of the committee reporting the bill, was recognized for an hour in favor of the bill, and, no member of the committee rising in opposition to the bill, the Chair recognized Mr. William R. Wood, of Indiana, for the remaining hour.

Thereupon, Mr. Marvin Jones, of Texas, asked to be recognized for 30 minutes. The Chairman³ declined recognition and said:

The Chair will state the parliamentary situation with regard to the division of time. The gentleman from Iowa, the chairman of the committee, was recognized for one hour in support of the bill. No member of the committee being opposed to the bill, the gentleman from Indiana was recognized for one hour in control of the time in opposition to the bill. The gentleman from Texas has asked recognition in his own right, but that can not be granted. The gentleman from Texas will have to get time from either the gentleman from Iowa or the gentleman from Indiana.

The rule is such that the time must be divided between the gentleman from Iowa, in favor of the bill, and no member of the committee having asked for time in opposition, one hour in opposition is controlled by the gentleman from Indiana, who asked for recognition.

Mr. Jones then desired to prefer a request for unanimous consent that he be allowed to proceed for 30 minutes.

The Chairman said:

The gentleman from Texas understands, of course, that unanimous consent can not be asked in committee to change the rules of the House.

The Chair will state that this is the Committee of the Whole and not the House, and the rule can not be changed by unanimous consent.

¹ Frederick C. Hicks, of New York, Chairman.

² Second session Seventy-first Congress, Record, p. 9277.

³ Mr. Scott Leavitt, of Montana, Chairman.

960. While formerly held that time unclaimed in opposition to a bill called up on Calendar Wednesday could be allotted to Members favoring the bill, the recent practice is to read the bill for amendment at the conclusion of the hour in favor of the bill, when no one rises in opposition.

On Wednesday, May 12, 1920,¹ the House was considering, in the Committee of the Whole House on the state of the Union, the bill (H. R. 10183) to authorize aids to navigation.

The hour allotted under the rule for debate in favor of the bill having been consumed, and no one rising in opposition, Mr. Nicholas Longworth, of Ohio, as a, parliamentary inquiry, asked if debate under such circumstances was not limited to one hour.

The Chairman² held that if no Member opposed to the bill claimed the hour in opposition the Clerk would be directed to read the bill for amendment.

961. On April 16, 1924,³ this being Wednesday, when the Committee on Agriculture was reached in the call of committees, Mr. Gilbert N. Haugen, of Iowa, from that committee, called up the bill (H. R. 7111) to promote the sale of farm products abroad.

This bill being on the Union Calendar the House resolved into the Committee of the Whole House on the state of the Union to consider it, when Mr. John Q. Tilson, of Connecticut, as a parliamentary inquiry, asked if the hour in opposition to the bill was unclaimed by members of the committee would it be in order to recognize other Members in opposition.

The Chair held this to be the practice.

Thereupon Mr. Nicholas Longworth, of Ohio, submitted a further inquiry as to procedure in event the hour in opposition to the measure was unclaimed either by members of the committee or other Members of the House.

The Chairman⁴ held that if no Member rose in opposition to the bill debate would be limited to the hour in favor of the proposition and no Member favoring the bill could be allotted any portion of the hour provided under the rule for debate against the bill.

962. On February 9, 1916,⁵ during general debate on the bill (H. R. 54) providing pensions for widows and minor children, called up under the Calendar Wednesday rule by direction of the Committee on Pensions, the Chairman announced:

The Chair calls attention to the new rule under which we operate on Calendar Wednesday, which provides that there shall be only two hours of general debate, to be divided equally between those in favor and those opposed to a measure. Now, the gentleman from Ohio, Mr. Key, is in favor of the measure, and has occupied 50 minutes. If there is any gentleman who is opposed to the bill, the Chair will recognize him for one hour at this time. If not, the Chair recognizes the gentleman from Tennessee.

Mr. Charles J. Linthicum, of Maryland, made the point of order that only Members opposed to the bill could be recognized.

¹ Second session Sixty-sixth Congress, Record, p. 6943.

² Martin B. Madden, of Illinois, Chairman.

³ First session Sixty-eighth Congress, Record, p. 6478.

⁴ Carl R. Chindblom, of Illinois, Chairman.

⁵ First session Sixty-fourth Congress, Record, p. 2356.

The Chairman¹ said.

The Chair called attention to the rule under which we are operating, and announced his readiness to recognize anyone opposed to the bill. No one then arose asking for recognition for purposes of debate, and therefore the Chair recognized the gentleman from Tennessee. The Chair thinks that the point of order is not well taken. Without going into refinements about it, it would arbitrarily limit the debate otherwise than as fixed by the rule itself. If a case should arise where no one was opposed to the bill and no one demanded recognition, then there could in fact be only one hour of debate. The Chair does not think that was the purpose or the spirit or the intention of the rule, and the Chair therefore overrules the point of order.

This opinion, however, has been overruled by the more recent decisions given above.

963. The order in which bills are called up on Calendar Wednesday is determined by the committee reporting them.

On Wednesday, May 7, 1930,² Mr. Gilbert N. Haugen, of Iowa, from the Committee on Agriculture, with which the call of the committees rested, called up the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the Department of Agriculture.

Mr. Marvin Jones, of Texas, inquired as to the order in which bills were being called up for consideration.

Mr. Haugen replied:

I am calling up the bills according to the instructions given by the committee.

964. A specific method being provided for dispensing with proceedings in order on Calendar Wednesday, the Chairman of the Committee of the Whole has declined to entertain requests for unanimous consent to dispense with minor provisions of the rules.

On Wednesday, February 13, 1924,³ the House having resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2249) extending the power of the War Finance Corporation, called up by the Committee on Banking and Currency, Mr. James F. Fulbright, of Missouri, submitted a request for unanimous consent to speak out of order.

The Chairman⁴ held that it was not within the province of the Chair, under the rule, to put the request.

Debate having proceeded for some time, Mr. William N. Vaile, of Colorado, asked unanimous consent that time for debate, allotted under the rule, be extended five minutes.

The Chairman declined to entertain the request.

965. Business pending at adjournment on Wednesday, and on which the previous question has not been ordered, does not come up on the succeeding legislative day but goes over to the next Wednesday.

¹ Finis J. Garrett, of Tennessee, Chairman.

² Second session Seventy-first Congress, Record, p. 8836.

³ First session Sixty-eighth Congress, Record, p. 2387.

⁴ Martin B. Madden, of Illinois, Chairman.

On Thursday, August 10, 1911,¹ the Speaker announced that the order of business was the call of committees under section 4 of Rule XXIV, and directed a call of the committees.

Mr. Stephen M. Sparkman, of Florida, raised the question of order that the unfinished business was the bill (S. 943) to improve navigation on the Black Warrior River, under consideration when the House adjourned on Wednesday the preceding day.

The Speaker² held that, under the rule, the bill referred to was not in order for consideration and could not be taken up until the next Wednesday.

966. When a Union Calendar bill comes up as the unfinished business on Calendar Wednesday the House automatically resolves into the Committee of the Whole and debate is resumed from the point at which it was discontinued on the previous Wednesday.

On January 25, 1928,³ following the reading and approval of the minutes, the Speaker pro tempore⁴ announced:

This is Calendar Wednesday. The unfinished business is the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill, and the gentleman from Michigan, Mr. Cramton, will resume the chair.

The Chairman,⁵ having taken the chair, said:

When the committee rose on last Calendar Wednesday, there had been consumed by the gentleman from Missouri, Mr. Dyer, 27 minutes, and by the gentleman from Texas, Mr. Sumners, 15 minutes.

967. A bill under consideration on Calendar Wednesday, and on which the previous question had been ordered but not disposed of at adjournment, comes up as unfinished business on the next legislative day.

On February 10, 1914,⁶ the Speaker² addressing the House during an interval, said:

On Wednesday last, after the previous question had been ordered on the Alaska railroad bill, the gentleman from Illinois, Mr. Mann, propounded a parliamentary inquiry to the Chair as to whether the previous question having been ordered, if the House should adjourn, the bill would come up as unfinished business on the next day or if it should go over until the next Calendar Wednesday. At that time the Chair gave the opinion offhand that it would not come up the next day, but would go over until the following Calendar Wednesday. The Chair is now absolutely certain that he was wrong in rendering that opinion, and he has his own somewhat elaborate decision rendered last year⁷ to show that he was wrong. At that time the Chair gave as a controlling reason why it would come up on the next day that the House met and not go over until the following Calendar Wednesday, the analogy to be drawn from the decisions as to Friday business and Monday business.

¹First session Sixty-second Congress, Record, p. 3819.

²Champ Clark, of Missouri, Speaker.

³First session Seventieth Congress, Record, p. 2023.

⁴John Q. Tilson, of Connecticut, Speaker pro tempore.

⁵Louis C. Cramton, of Michigan, Chairman.

⁶Second session Sixty-third Congress, Record, p. 3726.

⁷Third session Sixty-second Congress, Record, p. 1929.

Of course either ruling would have been sufficient originally, but the rulings ought to be harmonious and consistent, so that this Speaker and anyone else who follows him may have a system to follow, and the Chair now rules, notwithstanding the opinion he gave on Wednesday last, that under such circumstances where the previous question is ordered on a bill under consideration on Calendar Wednesday, if the House adjourn before the bill is disposed of, it will come up as unfinished business on the next legislative day and not go over until the following Calendar Wednesday.

968. On April 25, 1930,¹ it being Calendar Wednesday, the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors was ordered to be engrossed and to be read a third time.

Mr. Harold Knutson, of Minnesota, demanded the reading of the engrossed bill.

The Speaker² announced that the bill obviously had not been engrossed and it would be necessary to lay the bill aside until the order for engrossment could be complied with.

In response to an inquiry from Mr. Bertrand H. Snell, of New York, the Speaker explained that the bill would come up as the unfinished business on the next legislative day.

969. On May 14, 1930,³ Calendar Wednesday, the previous question was ordered on the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the Department of Agriculture.

Whereupon, Mr. Charles R. Crisp, of Georgia, called attention to the fact that the following day had been set apart by special order for memorial exercises and inquired when the pending bill would again come up for consideration if the House adjourned without voting.

The Speaker² held that in view of the fact that Thursday had been designated by special order for eulogies, it was not a legislative day, and under the practice of the House the bill would come up on the next legislative day, which would be the following Friday.

970. When consideration of a bill postponed to a certain Wednesday is concluded on that Wednesday the remainder of the day is devoted to business in order under the rule.

A bill postponed to a certain Wednesday and undisposed of on that day becomes unfinished business to be considered when the committee calling it up is again called in its turn.

On Wednesday, February 13, 1918,⁴ the Committee of the Whole House on the state of the Union rose and the Chairman reported that the committee, having had under consideration the bill (H. R. 5667) for the deportation of aliens, had come to no conclusion thereon.

¹ Second session Seventy-first Congress, Record, p. 7774.

² Nicholas Longworth, of Ohio, Speaker.

³ Second session Seventy-first Congress, Record, p. 8964.

⁴ Second session Sixty-fifth Congress, Record, p. 2079.

Whereupon Mr. Henry D. Flood, of Virginia, asked unanimous consent that the consideration of the bill be postponed for two weeks and be made the special order, superseding Calendar Wednesday for that day.

Pending this request, the Speaker,¹ in response to a parliamentary inquiry, held that if the bill were disposed of on that Wednesday the remainder of the day would be devoted to Calendar Wednesday business, and if the bill should not be disposed of before adjournment on that day it would become unfinished business, not to be called up on the following Wednesday, but to go over until the Committee on Immigration, calling it up, was again called in its turn.

971. The Calendar Wednesday rule does not apply during the last two weeks of the session.

Where the concluding day of the session fell on Wednesday the Speaker held the second Wednesday preceding that date to be within the two weeks prescribed by the rule.

On February 16, 1931,² Mr. William H. Stafford, of Wisconsin, submitted a parliamentary inquiry with reference to the date of the last Calendar Wednesday of the session.

Mr. John Q. Tilson, of Connecticut, in discussing the inquiry, said:

Mr. Speaker, I call the attention of the Chair to the fact there will be no more Calendar Wednesdays under the rules of the House. If the gentleman from Wisconsin will refresh his recollection of his arithmetic and remember that the Congress closes with March 3, he will see that this means 3 days in March and 11 days in February, which brings us back to Tuesday night, February 23.

The Speaker³ held:

On the question of whether there is another Calendar Wednesday, the rule about Calendar Wednesday says—

“This rule shall not apply during the last two weeks of the session.”

If the Chair construes that “two weeks” means legislative working days, there will be no Calendar Wednesday. If he construes it as merely two calendar weeks, there would be another Calendar Wednesday.

The Chair thinks in the line of past precedents—and he recalls making a ruling himself upon a somewhat similar matter—that it should be considered as legislative working days. So there will not be another Calendar Wednesday.

¹ Champ Clark, of Missouri, Speaker.

² Third session Seventy-first Congress, Record, p. 5049.

³ Nicholas Longworth, of Ohio, Speaker.